

CASE

NUMBER:

99-244

INDEX FOR CASE: 1999-244UAC

GTE WIRELESS OF THE MIDWEST

Construct

CELL SITE - SKYWAY DRIVE - WILLIAMSTOWN, GRANT

AS.OF : 02/01/01

IN THE MATTER OF THE APPLICATION OF SBA TOWERS, INC. AND GTE WIRELES OF THE MIDWEST INCORPORATED FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY IN THE CINCINNATI-DAYTON MAJOR TRADING AREA WHICH INCLUDES BOONE KENTON, CAMPBELL GALLATIN, GRANT, PENDLETON, BRACKEN MASON, LEWIS, GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY

SEQ NBR	ENTRY DATE	REMARKS
0001	06/18/1999	Application.
0002	06/24/1999	Acknowledgement letter.
0003	06/29/1999	No deficiencies letter
M0001	07/20/1999	BRENT RICE/GTE WIRELESS OF MIDWEST-RETURN RECEIPTS FOR CORRESPONDENCE FORWARDED VIA CERTIFI
M0002	07/29/1999	GRANT CO PLANNING COMM-MOTION FOR INTERVENTION
0004	08/11/1999	Order granting motion of the Grant County Planning Commission to intervene.
M0003	09/27/1999	BRENT RICE/MARK DOBBINS/GTE/SBA-MOTION TO PLACE MATTER IN ABEYANCE
M0004	10/01/1999	BECKY RUHOLL GRANT CO PLANNING COMM-MINUTES FROM MEETING HELD BY PLANNING COMMISSION ON SEP
0005	10/11/1999	10/11/99 FYI letter to W. Brent Rice re: Grant Co. Planning Commission's meeting
0006	06/08/2000	Order ent., report due 6/19 or case will be dismissed without further Order.
M0005	06/20/2000	SANDRA KEENE SBA TOWERS-STATUS REPORT & MOTION TO ADD INDIVIDUALS TO SERVICE LIST
0007	01/16/2001	Order entered; status report due 1/30/01 or case dismissed without further order
M0006	01/24/2001	SANDRA KEENE SBA TOWERS-MOTION TO DISMISS APPLICATION
M0007	01/29/2001	SANDRA KEENE/SBA TOWERS-MOTION TO DISMISS APPLICATION
0008	02/01/2001	Final Order approving construction.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-244 UAC
GTE WIRELESS OF THE MIDWEST

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on February 1, 2001.

See attached parties of record.

Stephanie Bell

Secretary of the Commission

SB/lc
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL. 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Mr. John Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY. 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SBA TOWERS, INC. AND)
GTE WIRELESS OF THE MIDWEST)
INCORPORATED FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY IN THE)
CINCINNATI-DAYTON MAJOR TRADING AREA)
WHICH INCLUDES BOONE, KENTON, CAMPBELL,)
GALLATIN, GRANT, PENDLETON, BRACKEN,)
MASON, LEWIS, GREENUP, CARTER, BOYD,)
ELLIOTT, LAWRENCE, JOHNSON, MARTIN,)
FLOYD AND PIKE COUNTIES, KENTUCKY)

CASE NO.
99-244-UAC

O R D E R

On January 24, 2001, SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated ("Applicants") filed a motion to dismiss the application in this case. As grounds for their motion, Applicants state that GTE Wireless of the Midwest Incorporated has entered into an agreement with SprintCom, Inc. to co-locate on an existing structure. Accordingly, the certificate sought in this case is no longer necessary.

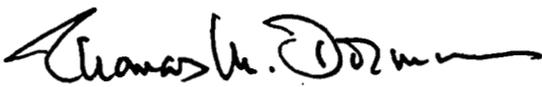
The Commission having been sufficiently advised, IT IS THEREFORE ORDERED that:

1. The motion of the Applicants to withdraw the application in this case is granted.
2. This case is closed and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 1st day of February, 2001.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas W. Dorman", written over a horizontal line.

Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JAN 24 2001
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC., AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS TELECOMMUNICATIONS FACILITY IN) CASE NO. 99-244UAC
THE CINCINNATI-DAYTON MAJOR TRADING)
AREA ("MTA") WHICH INCLUDES BOONE,)
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS, GREENUP)
CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON,)
MARTIN, FLOYD, AND PIKE COUNTIES, KENTUCKY)
(WILLIAMSTOWN/01-1549 FACILITY"))

MOTION TO DISMISS APPLICATION

Come the Applicants, SBA Towers, Inc., and GTE Wireless of the Midwest Incorporated, by counsel, and move the Commission to dismiss the Application herein. In support of said motion, the undersigned state that GTE has entered into an agreement with SprintCom, Inc., to co-locate GTE's equipment on a facility described in Public Service Commission Case No. 99-100 UAC.

Respectfully submitted,


Mark W. Dobbins
Sandra F. Keene
Counsel for SprintCom, Inc.
TILFORD, DOBBINS, ALEXANDER
BUCKAWAY & BLACK, LLP
1400 One Riverfront Plaza
Louisville, Kentucky 40202
(502) 584-6137


W. Brent Rice
MCBRAYER, MCGINNIS, LESLIE & KIRKLAND
163 West Short Street, Suite 300
Lexington, Kentucky 40507-1361
(859) 231-8780



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

January 16, 2001

To: All parties of record

RE: Case No. 1999-244 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY 40507 1361

Mr. John Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY 41097

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SBA TOWERS, INC.)
AND GTE WIRELESS OF THE MIDWEST)
INCORPORATED FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A)
WIRELESS COMMUNICATIONS FACILITY)
IN THE CINCINNATI-DAYTON MAJOR)
TRADING AREA WHICH INCLUDES BOONE)
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS,)
GREENUP, CARTER, BOYD, ELLIOTT,)
LAWRENCE, JOHNSON, MARTIN, FLOYD AND)
PIKE COUNTIES, KENTUCKY)

CASE NO.
99-244-UAC

O R D E R

On June 8, 2000, this Commission issued an Order stating that the application in this case – which originally was filed on June 18, 1999 – would be dismissed without prejudice unless the applicants filed a status report on their efforts to co-locate their antennas on an existing structure. Applicants subsequently responded to the Order, and the case has remained on the docket at their request. Now an additional six months have passed. The record contains no additional filings since the June 2000 Order and the Applicants' response.

The Commission being sufficiently advised, IT IS HEREBY ORDERED that:

1. On or before January 30, 2001, Applicants shall file a status report regarding their attempts to co-locate this site, together with a statement as to why this case should remain on the Commission's docket despite lack of prosecution.

2. In each month subsequent to January, if Applicants wish this case to remain on the docket, they shall file, no later than the 30th of the month, an updated status report.

3. If, by the 30th of any month, the status report as ordered herein is not filed by Applicants, this case shall be dismissed immediately, without prejudice, and without further Order.

Done at Frankfort, Kentucky, this 16th day of January, 2001.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Charles W. Owsen", written over a horizontal line.

Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 8, 2000

To: All parties of record

RE: Case No. 1999-244 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in black ink that reads "Stephanie J. Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY 40507 1361

Mr. John Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SBA TOWERS, INC.)
AND GTE WIRELESS OF THE MIDWEST)
INCORPORATED FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY)
IN THE CINCINNATI-DAYTON MAJOR TRADING)
AREA WHICH INCLUDES BOONE, KENTON,)
CAMPBELL, GALLATIN, GRANT, PENDLETON,)
BRACKEN, MASON, LEWIS, GREENUP, CARTER,)
BOYD, ELLIOTT, LAWRENCE, JOHNSON, MARTIN,)
FLOYD AND PIKE COUNTIES, KENTUCKY)

CASE NO.
99-244-UAC

O R D E R

On June 18, 1999, SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated ("Joint Applicants") filed a uniform application requesting a certificate of public convenience and necessity to construct a tower on Skyway Drive, Williamstown, Grant County, Kentucky. On October 1, 1999, the Grant County Planning Commission (the "Planning Commission") filed a copy of the minutes of its public hearing in regard to the application, together with a letter stating that Joint Applicants had agreed to "indefinitely table" the application. The minutes submitted by the Planning Commission demonstrate Joint Applicants' plan to pursue a co-location opportunity that would render this application moot. However, to date, no further filings have been made in this case.

The Commission, having considered the matter and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Joint Applicants should file, within ten days from the date of this Order, a status report showing cause, if any, why this case should not be dismissed from the Commission's docket.

2. If, within ten days from the date of this Order, Joint Applicants have not submitted a status report showing cause why this case should remain on the docket, the case shall, without further Order herein, be dismissed without prejudice.

Done at Frankfort, Kentucky, this 8th day of June, 2000.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-1582

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

October 11, 1999

The Honorable W. Brent Rice
McBrayer, McGinnis,
Leslie and Kirkland
163 W. Short St.
Suite 300
Lexington, KY 40507-1361

RE: Case Number 99-244 UAC

Dear Mr. Rice:

I have enclosed, for your information, a copy of the meeting "minutes" by Grant County Planning Commission regarding the construction of a tower on Skyway Drive in Williamstown, Kentucky.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission



Grant County Planning Commission

Grant County Courthouse – 101 North Main Street
Williamstown, Kentucky 41097
606 824 7770 – 606 824 7796 – www.grantcopz.com

RECEIVED
OCT 01 1999
PUBLIC SERVICE
COMMISSION

Kentucky Public Service Commission (KYPSC)
Attn: Helen C. Helton, Executive Director
730 Schenkel Lane
Frankfort, Kentucky 40602-0615

September 30, 1999

RE: Communications Services Facility – **Case Number 99-244 UAC.**

Dear Mrs. Helton:

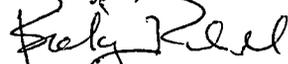
The Grant County Planning Commission received an application from SBA Towers, Inc. / GTE Wireless (6001 Broken Sound Parkway 4th Floor – Boca Raton, FL 33487), to construct a communications facility ("tower") on Skyway Drive, Williamstown, Grant County, Kentucky.

The Grant County Planning Commission met on September 27, 1999 to review SBA Towers, Inc. / GTE Wireless's application and in agreement with the applicant the Planning Commission indefinitely tabled this application.

Please see attached meeting minutes for more details on the public hearing for this communications facility ("tower") in Williamstown.

Please contact me with any questions about the hearing or application for SBA Towers, Inc. / GTE Wireless.

Thank you,



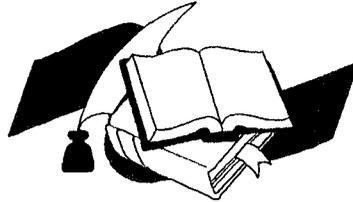
Becky Ruholl, Administrative Assistant
becky@grantcopz.com

GRANT COUNTY PLANNING COMMISSION

REGULAR MEETING

SEPTEMBER 27 1999

NOT YET APPROVED



NOT YET APPROVED

The September 1999 regular meeting of the Planning Commission was called to order by Chairman, John Lawrence at 7:00 p.m.

Those in attendance: Chairman, John Lawrence, Vernon Webster, Jim Weigel, Robert Worthington, Samuel Womble, Dudley Peddicord, Nick Kinman, William Covington, Marvin Faulkner, Brooke Wooton, Stephen Mann, Becky Ruholl, Ken Rylee and Ray Erpenbeck.

There was a quorum present.

ITEM 1: AUG 16 & AUG 23 MEETING MINUTES

Vernon Webster made a motion to approve the meeting minutes for Aug. 16, 99 and Aug. 23, 99., Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: SEPTEMBER 99 FINANCIAL REPORT

Stephen Mann made a motion to approve the September financial report, Robert Worthington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: TELECOMMUNICATIONS TOWER – SKYWAY DRIVE WILLIAMSTOWN – SBA/GTE

Chairman, John Lawrence declared the public hearing open at 7:07.

Sandra Keene, representing SBA, stating that they are requesting this application be withdrawn. She stated that Sprintcom and GTE are working to co-locate on the previously approved Sprintcom Williamstown site.

Chairman, John Lawrence declared the public hearing closed at 7:08.

Nick Kinman made a motion to indefinitely table this application, Robert Worthington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: TELECOMMUNICATIONS TOWER – MCCOY RD DRY RIDGE – SBA/GTE

Chairman, John Lawrence declared the public hearing open at 7:09.

Sandra Keene, representing SBA, stated that Sprintcom had already been approved for a site close to this one. She stated Sprintcom has agreed to co-locate on this tower and not build their approved tower. She stated that they were asking for 2 waivers. 1. that no landscaping be required and 2. the size to 350 ft.

The commission was concerned that this farmland would someday develop and they felt landscaping should be required. The also stated that the height of the fence should be 8ft. instead of 6ft.

Sandra Keene stated they did not have a problem with those items.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:16.

Sam Womble made a motion to approve the application with the waiver allowing the height to be 350 ft., Robert Worthington seconded the motion. A roll call vote was taken: Vernon Webster: yes, Jim Weigel: yes, Robert Worthington: yes, Samuel Womble: yes, Dudley Peddicord: yes, Nick Kinman: yes, William Covington: yes, Marvin Faulkner: yes, Brooke Wooton: yes, Stephen Mann: yes. Motion passes.

ITEM 5: ZONE CHANGE – A1 TO R1 – GERALD & LOIS PENICK – WARSAW RD.

Chairman, John Lawrence declared the public hearing open at 7:18. He stated the request was to rezone 7.1611 acres on Warsaw Rd. from A1 to R1. All fees were paid and notices were given.

Craig Moore was present representing the applicant. He stated the request was to create 1 acre lots.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:21.

Stephen Mann made a motion to approve the request, Dudley Peddicord seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 6: ZONE CHANGE – A1 TO R1 – LARRY BROWN – NAPOLEON ZION STATION RD.

Chairman, John Lawrence declared the public hearing open at 7:25. He stated the request was to rezone 2.7796 acres on Napoleon Zion Station Rd. from A1 to R1. All fees were paid and notices given.

Larry Brown, applicant stated that he planned to keep his house and 2.7796 acres and sell the rest of his property to the adjoining property owner.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:27.

Sam Womble made a motion to approve the request, Brooke Wooton seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: ZONE CHANGE – A1 TO R1 – KEVIN FULKS – VERONA MT. ZION RD.

Chairman, John Lawrence declared the public hearing open at 7:28. He stated the request was to rezone 1.1786 acres on Verona Mt. Zion Rd. from A1 to R1. All fees were paid and notices given.

Kevin Fulks, applicant stated that he wanted to sell his house and 1 acre and keep the rest of his farm.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:29.

Nick Kinman made motion to approve the request, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: ZONE CHANGE – I1 TO HC – GREG FRANKS – HWY. 25 WILLIAMSTOWN

Chairman, John Lawrence declared the public hearing open at 7:32. He stated the request was to rezone 7 acres on Hwy. 25 in Williamstown from I1 to HC.

Greg Frank, applicant stated that the request was made to allow restaurants and hotels to be located on the property. He showed the commission a concept plan.

Chairman, John Lawrence asked if anyone wished to speak for or against the application. No one spoke for or against.

Chairman, John Lawrence declared the public hearing closed at 7:40.

Nick Kinman made a motion to approve the request, Jim Weigel seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: PLATS AND SITE PLANS

BRENTWOOD SECTION 3 – IMPROVEMENT PLAT – TABLED FROM LAST MONTH

Chairman, John Lawrence read a letter from Erpenbeck Engineers recommending approval with the following conditions: 1. the concrete anchors be added to sanitary sewer lines between manhole 40 & 41 and manholes 18 and 48 or that the slope be set at a grade of less than 20%. 2. the waiver be granted per section 8.5 a of the sub regs for the following grade requirement son centerline of Steven Court at intersection with Redwood DR. – a. the maximum permitted grade on Steven Ct. be increased from 4.0 % to 6.0 % from sta 0+10 to sta 0+40 (section 6.1d) b. the minimum length of the grade required to be reduced from 75 ft. to 30 ft. (section 6.1d) c. the minimum length of the vertical curve be reduced from K=15 (90ft.) to a K=10 (60 ft.) (section 6.0 e(4)).

Logan Murphy stated that condition #1 was already taken care of.

The commission question the issue of the connector road from Brentwood Subdivision to what is now the Wal-Mart property.

David Wallace, attorney for Mr. Caddell (developer), stated that the condition put on the preliminary plat was that Mr. Caddell provide a 250 ft. construction easement and an easement for the road and he plans on doing so when the final plat is submitted for lots 78 & 79. He also stated that the lot numbers have changed from the preliminary plat but that the location of 78 & 79 has not been submitted as a final plat yet.

Chairman, John Lawrence read a letter from Ray Erpenbeck stating that the agreement was to proved a construction easement and an easement for the road when lots 78 & 79 were submitted at final plats.

The Commission question who would build the connector road.

Mr. Wallace stated that they would build the road on their property but could not build the road on someone elses property.

The Commission asked if the City was OK with the grade on Stephens Court.

Ray Erpenbeck explained exactly what the change would be and stated it would be fine because there were only 6 lots on the cul-de-sac.

Mr. Cull, mayor of Dry Ridge, stated that he didn't think there would be a problem with the city maintaining this road.

Marvin Faulkner asked if Stevens Ct. was on the preliminary plat.

Logan stated that it was not. He stated that they had shortened the horseshoe rd and put in this cul-de-sac in order to preserve some of the trees and they also reduced the number of lots by 2.

Stephen Mann made a motion to approve the plat with the 3 waivers, Sam Womble seconded the motion. A hand vote was taken, Vernon Webster, Robert Worthington, Sam Womble, Dudley Peddicord, Marvin Faulkner, Stephen Mann and Jim Weigel voting in favor of the motion. Nick Kinman, William Covington and Brooke Wooton voting against the motion. Motion passes.

DEER RUN SECTION 3 – IMPROVEMENT PLAT

Chairman, John Lawrence read a letter from Ray Erpenbeck recommending approval with the following conditions: 1. the right-of-way width be increased from 54 ft. to 60ft. 2. waiver be granted to not require sidewalks.

Mr. Erpenbeck stated that in the sub regs it said that if the street had ditched the houses must be set back 50ft. from the right-of-way.

Nick Kinman made a motion to approve the plat with the conditions, Dudley Peddicord seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

CULL LN – PRELIMINARY PLAT

Chairman, John Lawrence read a letter from Erpenbeck recommending disapproval for the following reasons: 1. plat shows right-of-way encroaches onto property owned by William C Wilson and M&Z corporation. The applicant cannot dedicate to public use the required right-of-way in those areas. 2. the actual pavement

encroached upon the property of William C Wilson and M&Z corp. 3. the fire hydrant spacing does not meet the maximum spacing of 500 ft. 4. public water is not proposed to service 3 lots.

Mr. Cull stated that water was to those lots and city planned to add more fire hydrants as the property developed.

Mr. Erpenbeck stated that that needs to be shown and the plat could be approved conditionally that they show the water and the right-of-way is fixed.

Jeff Shipp, attorney for Mr. Cull, stated that this road had been open to the public for more than 5 years and KRS states that if the City wishes to take this street over they can and there doesn't have to be any easement or dedication. He stated that they will work to get proper dedication but that if it is publicly use for 5 years it is agreed that the city can take over the property for the road.

Nick Kinman made a motion to approve the plat with the conditions, Robert Worthington seconded the motion.

Jeff Shipp asked if it would meet the condition if city took over the road because it had been open for 5 years and KRS states that they can take it over.

Mr. Erpenbeck, Mr. Rylee and the Commission agreed that this would meet the condition.

A hand vote was taken, all members in attendance voting in favor of the motion, motion passes.

CHERRY HILL MOBILE HOMES – SITE PLAN

Chairman, John Lawrence read a letter from Erpenbeck recommending approval with the following conditions: 1. applicant submit separate application for any signage 2. grant waiver to not require sidewalks along Theater DR.

Mr. Wilson stated that the site would be only for display of home and they would only be changed 1 time a year.

Sam Womble made a motion to approve the plat, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

HAMPTON INN – SITE PLAN

Chairman, John Lawrence read a letter from Erpenbeck recommending approval with the following conditions: 1. a final plat meeting all requirements including dedication of right-of-way of cull lane from north property line of Hampton Inn to Ky 22 be approved and recorded in Clerks office. 2. waiver be granted to not require sidewalks along cull ln.

Mr. Erpenbeck stated that in order to speed the development up that the commission allow the Chairman to sign off on the final plat when it is approve by Mr. Erpenbeck. The commission agreed.

The Commission discussed a sidewalk connecting the Hampton Inn to Shoney's property.

Nick Kinman made a motion to approve the plat with the conditions and if the City wants a sidewalk along Cull Ln. that the developer will pay for it and that a sidewalk be placed a long the road connecting Hampton Inn and Shoneys. William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10 INTERIM ZONING ADMINISTRATOR

Marvin Faulkner made a motion to appoint Becky Ruholl as interim zoning administrator, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Robert Worthington made a motion to adjourn, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

September 27, 1999



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

August 11, 1999

To: All parties of record

RE: Case No. 99-244 UAC

We enclose one attested copy of the Commission's Order in
the above case.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA 30338

SBA Towers, Inc.
One Town Center Road
3rd Floor
Boca Raton, FL 33486

SBA Towers, Inc.
2310 Valletta Lane
Louisville, KY 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY 40507 1361

Mr. John Simkonis
Executive Director
Grant County Planning Commission
Grant County Courthouse
101 North Main Street
Williamstown, KY 41097

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
WIRELESS OF THE MIDWEST INCORPORATED)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY IN)
THE CINCINNATI-DAYTON MAJOR TRADING) CASE NO.
AREA ("MTA") WHICH INCLUDES BOONE,) 99-244-UAC
KENTON, CAMPBELL, GALLATIN, GRANT,)
PENDLETON, BRACKEN, MASON, LEWIS,)
GREENUP, CARTER, BOYD, ELLIOTT, LAWRENCE,)
JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES,)
KENTUCKY, ("WILLIAMSTOWN/01-1549 FACILITY"))

O R D E R

This matter arising upon the motion of the Grant County Planning Commission ("Planning Commission"), filed July 29, 1999, for full intervention, and it appearing to the Commission that the Planning Commission has a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of the Planning Commission to intervene is granted.

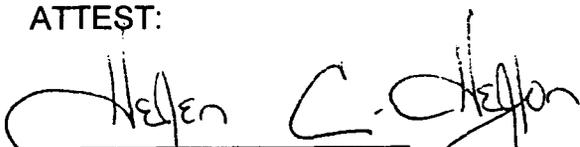
2. The Planning Commission shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should the Planning Commission file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 11th day of August, 1999.

By the Commission

ATTEST:


Executive Director



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned tract of land.
 The tract of land described in the above-captioned
 instrument is situated in the County of [County Name],
 State of [State Name], and is more particularly
 described in the above-captioned instrument.
 The tract of land described in the above-captioned
 instrument is situated in the County of [County Name],
 State of [State Name], and is more particularly
 described in the above-captioned instrument.
 The tract of land described in the above-captioned
 instrument is situated in the County of [County Name],
 State of [State Name], and is more particularly
 described in the above-captioned instrument.
 The tract of land described in the above-captioned
 instrument is situated in the County of [County Name],
 State of [State Name], and is more particularly
 described in the above-captioned instrument.

Grant County Planning Commission

Grant County Courthouse - 101 North Main Street
Williamstown, Kentucky 41097
606 824 7770 - 606 824 7796 - www.grantcopz.com

RECEIVED
JUL 29 1999
PLANNING COMMISSION

Kentucky Public Service Commission (KYPSC)
Attn: Helen C. Helton, Executive Director
730 Schenkel Lane
Frankfort, Kentucky 40602-0615

July 27, 1999

RE: Cell Tower for Case Number 99-250 UAC (The Crittenden/01-1545 Facility)
Cell Tower for Case Number 99-241 UAC (The Dry Ridge/01-1546 Facility)
Cell Tower for Case Number 99-244 UAC (The Wmstown/01-1549 Facility)
Cell Tower for Case Number 99-253 UAC (The Corinth/01-1548 Facility)
Cell Tower for Case Number 99-286 UAC (The Mason/01-1547 Facility)

Dear Mrs. Helton:

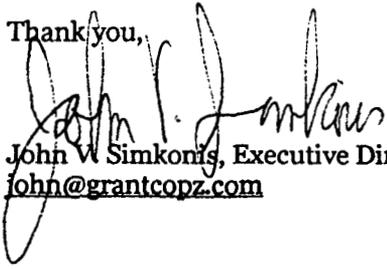
The Grant County Planning Commission would like to make a Motion to Intervene with regards to the above cases. The utility company representing these applications has not made any attempt to conform to the local codes regarding cell towers for Grant County, Kentucky.

I wanted to make sure that the Grant County Planning Commission had sent a statement regarding these towers before our 60 days were up to respond to these issues. The commission will meet on August 16, 1999 to hold a public hearing on the matter (still within 60 days to respond), I will be sending you our recommendations on August 17.

I hope that the Public Service Commission will not accept these applications as complete without allowing said utility company to meet all local codes.

Please call me with any questions.

Thank you,


John W. Simkonis, Executive Director
john@grantcopz.com



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 29, 1999

To: All parties of record

RE: Case No. 99-244 UAC
GTE WIRELESS OF THE MIDWEST

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure



Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
6001 Broken Sound Parkway, 4th Floor
Boca Raton, FL. 33487

SBA Towers, Inc.
2320 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

FILED

JUN 1 8 1999

**PUBLIC SERVICE
COMMISSION**

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 1 8 1999

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
 WIRELESS OF THE MIDWEST INCORPORATED)
 FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
 CONVENIENCE AND NECESSITY TO CONSTRUCT)
 A WIRELESS COMMUNICATIONS FACILITY IN)
 THE CINCINNATI-DAYTON MAJOR TRADING)
 AREA ("MTA") WHICH INCLUDES BOONE) CASE NO. 99-244 UAC
 KENTON, CAMPBELL GALLATIN, GRANT,)
 PENDLETON, BRACKEN MASON, LEWIS, GREENUP,)
 CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON,)
 MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY)
 ("WILLIAMSTOWN/01-1549 FACILITY"))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction on Skyway Drive, Williamstown, Grant County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

June 24, 1999

To: All parties of record

RE: Case No. 99-244 UAC
GTE WIRELESS OF THE MIDWEST, INC.
& SBA TOWERS, INC.
(Construct) CELL SITE – SKYWAY DRIVE – WILLIAMSTOWN, GRANT

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received June 18, 1999 and has been assigned Case No. 99-244 UAC. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc





Ms. Charon Harris
Director, Regulatory Matters
GTE Wireless of the Midwest
1200 Ashwood Parkway
Third Floor
Atlanta, GA. 30338

SBA Towers, Inc.
6001 Broken Sound Parkway, 4th Floor
Boca Raton, FL. 33487

SBA Towers, Inc.
2320 Valletta Lane
Louisville, KY. 40205

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

FILED

JUN 1 8 1999

PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 1 8 1999

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF SBA TOWERS, INC. AND GTE)
 WIRELESS OF THE MIDWEST INCORPORATED)
 FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
 CONVENIENCE AND NECESSITY TO CONSTRUCT)
 A WIRELESS COMMUNICATIONS FACILITY IN)
 THE CINCINNATI-DAYTON MAJOR TRADING)
 AREA ("MTA") WHICH INCLUDES BOONE) CASE NO. 99-244 UAC
 KENTON, CAMPBELL GALLATIN, GRANT,)
 PENDLETON, BRACKEN MASON, LEWIS, GREENUP,)
 CARTER, BOYD, ELLIOTT, LAWRENCE, JOHNSON,)
 MARTIN, FLOYD AND PIKE COUNTIES, KENTUCKY)
 ("WILLIAMSTOWN/01-1549 FACILITY"))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction on Skyway Drive, Williamstown, Grant County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).



1948

1949

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

RECEIVED

163 WEST SHORT STREET
SUITE 300

JUN 18 1999

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
MELINDA G. WILSON
REBECCA L. BRIGGS
MARY ELIZABETH CUTTER
J. BRADFORD DERIFIELD ++
JARON P. BLANDFORD

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1984)
PUBLIC SERVICE
COMMISSION

MAIN & HARRISON STREETS
P. O. BOX 280
GREENUP, KENTUCKY 41144-0280
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1176
FACSIMILE 502-226-6234

June 17, 1999

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: Case Number 99-244 UAC
SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated
(Williamstown/01-1549 Facility)

Dear Ms. Bell:

This letter is to follow up my request for a case number on June 17, 1999. The application is on behalf of SBA Towers, Inc. and GTE Wireless of the Midwest Incorporated for a cell site located on Skyway Drive, Williamstown, Grant County, Kentucky. I was given Case Number 99-244 UAC. We intend to file the application no later than June 22, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,

W. Brent Rice

WBR/dkw

